

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT DE VITO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

LIQUID HOLDINGS GROUP, INC.,
BRIAN M. STORMS, KENNETH D.
SHIFRIN, PETER R. KENT, RICHARD
SCHAEFFER, BRIAN FERDINAND,
JAY BERNSTEIN, DARREN DAVY,
DAVID FRANCESCANI, WALTER
RAQUET, THOMAS ROSS, VICTOR
SIMONE, JR., DENNIS SUSKIND,
ALLAN ZAVARRO, and SANDLER,
O'NEILL & PARTNERS, LP.,

Defendants.

Civil Action No. 2:15-cv-06969-KM-JBC

**NOTICE OF MOTION BY
ROBERT D. KELLER TO DISMISS
THE AMENDED COMPLAINT**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that on February 21, 2017, or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Robert D. Keller, shall apply before the Honorable Kevin McNulty, U.S.D.J, United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for an Order granting Mr. Keller's motion to dismiss the amended complaint pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that Mr. Keller will rely upon the supporting memorandum of law, the declaration of Michael D. Hynes dated October 31, 2016 (with exhibits), the submissions in support of other defendants' motions to dismiss to the extent incorporated by reference, and a proposed form of Order submitted herewith.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 78.1(b),
Mr. Keller requests oral argument on this motion.

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Dated: October 31, 2016

Respectfully submitted,

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